## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

JULIA C. DUPLEX, CLERK BY:
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MICHAEL W. MILLER,	) )
Petitioner,	) Case No. 7:10CV00430
v.	) ) ) <u>FINAL ORDER</u>
GENE JOHNSON,	)     By: Glen E. Conrad ) Chief United States District Judge
Respondent.	) Chief United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

## ADJUDGED AND ORDERED

that the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** without prejudice as successive, pursuant to 28 U.S.C. § 2244(b), and this action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 28th day of September, 2010.

Chief United States District Judge